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UTILITY
PATENT APPLICATION
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

| | |
|------------------------|--|
| Attorney Docket No. | 4-43-7 |
| First Inventor | Bock |
| Title | Active Optical Alignment Using MEMS Mirrors |
| Express Mail Label No. | ER403214329 US |

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-145017497 U.S. PTO
10/736935

121603

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)

2. Applicant claims small entity status.
See 37 CFR 1.27.

3. Specification [Total Pages 13]
(preferred arrangement set forth below)

- Descriptive title of the invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

4. Drawing(s) (35 U.S.C. 113) [Total Sheets 3]

5. Oath or Declaration [Total Sheets]

- a. Newly executed (original or copy)
- b. Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

6. Application Data Sheet. See 37 CFR 1.76

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)

- a. Computer Reader Form (CRF)
- b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. Paper

c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))

10. 37 CFR 3.73(b) Statement Power of Attorney
(when there is an assignee)

11. English Translation Document (if applicable)

12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations

13. Preliminary Amendment

14. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)

15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)

16. Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.

17. Other:

15. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP) of prior application No.Prior application information: Examiner _____ Art Unit: _____
For CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

| | | | | | |
|---|--------------------------|-----------------------------------|--------------|----------|--|
| <input type="checkbox"/> Customer Number: | | | | OR | <input checked="" type="checkbox"/> Correspondence address below |
| Name | Wendy W. Koba | | | | |
| Address | PO Box 556 | | | | |
| City | Springtown | State | PA | Zip Code | 18081 |
| Country | United States of America | Telephone | 610-346-7112 | Fax | 610-346-8189 |
| Name (Print/Type) | Wendy W. Koba | Registration No. (Attorney/Agent) | 30509 | | |
| Signature | Wendy W. Koba | | | Date | 12/16/03 |

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

121603

16152 U.S. PTO

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 856.00)

Complete If Known

| | |
|----------------------|--------|
| Application Number | |
| Filing Date | |
| First Named Inventor | Bock |
| Examiner Name | |
| Art Unit | |
| Attorney Docket No. | 4-43-7 |

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number: 501735
 Deposit Account Name: Agere Systems Inc.

The Director is authorized to: (check all that apply)
 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee
 to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|--------------|--------------|---------------|---------------|------------------------|----------|
| 1001 | 775 | 2001 | 385 | Utility filing fee | |
| 1002 | 340 | 2002 | 170 | Design filing fee | |
| 1003 | 530 | 2003 | 265 | Plant filing fee | |
| 1004 | 775 | 2004 | 385 | Reissue filing fee | |
| 1005 | 150 | 2005 | 80 | Provisional filing fee | |

SUBTOTAL (1) (\$ 770.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------|----------------|----------|
| 11 | 0 | 0 | 0 |
| 4 | 1 | 80 | 80 |
| | | | 0 |

| Large Entity | Small Entity | Fee Description |
|--------------|--------------|---|
| 1202 | 15 | 2202 9 Claims in excess of 20 |
| 1201 | 86 | 2201 43 Independent claims in excess of 3 |
| 1203 | 290 | 2203 145 Multiple dependent claim, if not paid |
| 1204 | 66 | 2204 43 ** Reissue independent claims over original patent |
| 1205 | 18 | 2205 9 ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ 86.00)

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES
Large Entity | Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|---------------|---------------|--|----------|
| 1051 | 130 | 2051 65 Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 25 Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 130 Non-English specification | |
| 1812 | 2,520 | 1812 2,520 For filing a request for ex parte reexamination | |
| 1804 | 920* | 1804 920* Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 1,840* Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 55 Extension for reply within first month | |
| 1252 | 420 | 2252 210 Extension for reply within second month | |
| 1253 | 950 | 2253 475 Extension for reply within third month | |
| 1254 | 1,480 | 2254 740 Extension for reply within fourth month | |
| 1255 | 2,010 | 2255 1,005 Extension for reply within fifth month | |
| 1401 | 330 | 2401 165 Notice of Appeal | |
| 1402 | 330 | 2402 165 Filing a brief in support of an appeal | |
| 1403 | 290 | 2403 145 Request for oral hearing | |
| 1451 | 1,510 | 1451 1,510 Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 55 Petition to revive - unavoidable | |
| 1453 | 1,330 | 2453 665 Petition to revive - unintentional | |
| 1501 | 1,330 | 2501 665 Utility issue fee (or reissue) | |
| 1502 | 480 | 2502 240 Design issue fee | |
| 1503 | 640 | 2503 320 Plant issue fee | |
| 1460 | 130 | 1460 130 Petitions to the Commissioner | |
| 1807 | 50 | 1807 50 Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 180 Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 40 Recording each patent assignment per property (times number of properties) | |
| 1809 | 770 | 2809 385 Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 770 | 2810 385 For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 | 770 | 2801 385 Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 900 Request for expedited examination of a design application | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0)

SUBMITTED BY

| | | | | | |
|-------------------|---------------|-----------------------------------|--------------|--------------------------|----------|
| Name (print/type) | Wendy W. Roba | Registration No. (Attorney/Agent) | 30509 | (Complete if applicable) | |
| Signature | Wendy W. Roba | Telephone | 601-346-7112 | Date | 12/16/03 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments or suggestions on the burden of this collection of information should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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16152 U.S.PTO
121603

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

CASE Boek 4-43-7

TITLE Active Optical Alignment Using MEMS Mirrors

COMMISSIONER OF PATENTS

P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

NEW APPLICATION UNDER 37 CFR 1.53 (b)

Enclosed are the following papers related to the above-name application for patent:

Specification
 Formal Informal sheet (s) of drawings
 Assignment-To be recorded
 Declaration and Power of Attorney
 Associate Power of Attorney
 Information Disclosure Statement
 Recordation Form Cover Sheet

| CLAIMS AS FILED | | | | |
|-----------------------------------|--------------|--------------|---------|------------------|
| | Number Filed | Number Extra | Rate | Calculations |
| Total Claims | 11 -20 | 0 | X \$18 | 0 |
| Independent Claims | 4 - 3 | 1 | X \$86 | 86.00 |
| Multiple Dependent, if applicable | | | X \$290 | |
| BASIC FEE | | | | \$ 770.00 |
| TOTAL FEES | | | | \$ 856.00 |

Please file the application and charge **Agere Systems Deposit Account No. 501735** the amount of \$856.00 to cover the filing fee for this application. Duplicate copies of this letter are enclosed. In the event of nonpayment or improper payment of a required fee, the Commissioner is authorized to charge or credit **Deposit Account No. 501735** as required to correct the error.

The Commissioner for Patents is hereby authorized to treat any concurrent or future reply, requiring a petition for extension of time under 37 CFR 1.136 for its timely submission, as incorporating a petition for extension of time for the appropriate length of time if not submitted with the reply.

Please address all correspondence to **Wendy W. Koba, P.O. Box 556, Springtown, PA 18081-0556**. Telephone calls should be directed to Wendy W. Koba at 610-346-7112.

Respectfully,

Wendy W. Koba
Wendy W. Koba
Reg. No. 30509
Attorney for Applicant(s)
610-346-7112

Date: 12/16/03

EXPRESS MAIL
CERTIFICATE OF MAILING

Patent Application for:

Applicants: Timothy Paul Bock
John W. Osenbach
Rory Keene Schlenker
Atty. No: 4-43-7

Title: Active Optical Alignment Using MEMS
mirrors

I hereby certify that this correspondence is being deposited with the United States
Postal Service with sufficient postage as EXPRESS MAIL in an envelope addressed
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On 12/16/03

EXPRESS MAIL TRACKING NO. ER403214239US

Type or Print name of person signing this certificate: Wendy W. Koba, Esq.

Signature: Wendy W. Koba

**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

| | |
|------------------------|--|
| First Named Inventor | <i>Bock</i> |
| Title | Active Optical Alignment Using MEMS Mirrors |
| Attorney Docket Number | 4-43-7 |

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

12/16/03

Date

Wendy W. Koba

Signature

610-346-7112

Telephone number

Wendy W. Koba

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

This collection of information is required by 37 CFR 1.213(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.